

REMARKS/ARGUMENTS

Claims 1-11 remain in this application.

The examiner has acknowledged that claims 7-10 are directed to allowable subject matter. Allowable claim 7 and 8 has been rewritten in independent form and is now believed to be allowable. Claim 9 has been amended to depend on claim 8 rather than claim 7 since it limits an element first presented in claim 8.

The application names three joint inventors. Sunrise Medical HHG Inc. has been the owner of the inventions covered in the claims from the time the inventions were made. All three co-inventors were under an obligation to assign the inventions to Sunrise Medical HHG Inc. at the time the inventions were conceived.

Applicants respectfully traverse the rejection of claims 1, 4, 5 and 11 under 35 U.S.C. §102(b) as being unpatentable over Toffolon patent 4,971,051. The structure and operation of the Toffolon cushion was incorrectly described in the office action in that element 4 is not a pump, as asserted. Element 4 is an inflatable balloon. A hose 3 connects the pneumatic cushion 11 to the balloon 4 to form a closed circuit. The cushion 11 and the balloon 4 are both inflatable chambers and neither is capable of functioning as a manually operated pump. Air will flow back and forth between the cushion 11 and the balloon 4 to allow the cushion 11 to conform to a mask user's face. The resiliency of the balloon 4 maintains a constant pressure in the cushion 11 as it molds to the user's face. The pressure in the system will depend on the amount that the balloon 4 is inflated. The pressure in the air balloon 4 and cushion 11 is adjusted by the mask user introducing or venting air through a hose 5 and a valve 6, presumably by the user blowing on the hose 5. (see column 2, lines 35-52) Toffolon clearly does not disclose a pump as a component element connected to his mask.

All of the claims in the application require "a manually operated pump connected to said inflatable chamber, said pump delivering air to said inflatable chamber when actuated". Since Toffolon has no manually operated pump connected

to the clamber in its cushion 11, claims 1, 4, 5 and 11 are not anticipated by Toffolon and the rejection under 35 U.S.C. §102(b) should be withdrawn.

Applicants respectfully traverse the rejection of claims 2, 3 and 6 under 35 U.S.C. §103(a) as being unpatentable over the Toffolon patent in view of Morgan patent 3,680,556. Morgan was cited for disclosing an open celled foam at least partially filling an inflatable chamber. The description of the Morgan seal is not clear. Morgan does not appear to teach placing an open cell foam inside of an inflatable seal, as claimed. "The sealing elastomer or skin 67 is formed in such a manner as to be placed in juxtaposition to a diver's facial configuration when the helmet 11 is on. Thus, on the diver's side of the open cell foam, a thin layer or skin of closed cell foam rubber 67 or solid rubber sheet is glued." This is not the same as in applicant's claims. Further, Morgan does not cure the failure of Toffolon to teach a pump permanently connected to an inflatable chamber as required in the claims. Without a teaching of the claimed pump, claims 2, 3 and 6 are not unpatentable over Toffolon and Morgan and the rejection should be withdrawn.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Enclosure

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